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Ensure Better Governance for Safe Migration

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Bangladesh is one of the key labour-sending countries of the world. Each year a large number of people migrate overseas for both long and short-term employment from Bangladesh. The remittances they send have been rapidly growing, contributing significantly to economic growth and substantially improving the nation's balance of payments position. In spite of such contributions of Bangladeshi migrant workers, the migration process here is still a major area of concern. The extremely long and complicated migration process, high costs of migration, resulting debts incurred by migrants prior to departure and unscrupulous migration agencies are glaring examples of this. Reports of inhumane working conditions, unfair employment practices and breaches of migrants' human rights are common in local media, as are inadequate responses to these situations from the government. The poor treatment that Bangladeshi migrant workers are subjected to while abroad and their lack of protection by the Bangladesh government are causes for severe concern.

At the broadest level, there are many international instruments which guarantee all migrant workers, irrespective of their status, their entitlements to universally accepted human rights. Among them, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) is considered as the core convention. Bangladesh signed it in 1998 and ratified it on August 24, 2011. However, a quick stocktaking of the impact of these existing conventions and standards reveals that overall the world map of signatories documents a great disparity between signing countries, where migrants tend to originate, and non-signatories, where migrants tend to work. This lack of commitment can be seen as one indicator of governance failure. Nationally, till 2013, the central piece of legislation relating directly to migration in Bangladesh was the Emigration Ordinance 1982. In October 2013, the government enacted a new law titled Employment and Migrants Act 2013, in order to conform with the ICRMW and other international labour and human rights conventions and treaties ratified by Bangladesh. In terms of legal mechanisms, it is evident that there have been substantial improvements in the national and international legal framework for labour migrants, whereas the implementation of these is extremely problematic. The process actually plays out with the intervention of illegal middlemen and interference from multiple sources. They act as subcontractors and agents, using illegal payments to insert chosen groups of workers into contention for job selection. Thus, workers are not neutrally selected and processed from the job seeker's lists maintained by BOESL, BMET and other reputable agencies, but through contacts,

process manipulation and influence mongering. Corruption and influence mongering exist at almost every operational level of the migrant's recruitment, administrative and departure process.

As per existing legislation, the state should not only regulate the institutional framework of labour migration, but also monitor the process and arbitrating grievances. The most common offences are related to collecting far higher service charges than permitted under law. Bangladeshi migrants often pay double the amount paid by their counterparts in neighbouring countries for the migration process, due to the severe lack of implementation of policies and legislation and an absence of monitoring. In other cases, ruthless agents send workers without proper work permissions resulting in workers stranded upon arrival. Many malpractices are related to wages; workers are often forced to agree to wages that are below that specified in their contracts and in many cases, wages are not only lower than specified in the contract, but even lower than the minimum wage of the country they are working in. Contract substitution by employers is a widespread phenomenon. In this case, instead of being able to work in the jobs they were promised, workers are forced to sign a second contract upon arrival. This usually means lower wages and terrible living and/or working conditions. Very often migrant passports and documentations are not handed to the workers, until the day or point of their departure, making it difficult for the workers to ensure the correct paperwork or visa provisions. In several instances, a considerable number of workers try to leave their 'new' jobs and seek alternate employment. Through networks of Bangladeshi workers who are already working in the host country, some migrants manage to obtain jobs with better terms and conditions. However, by leaving the jobs for which they had obtained visas, they risk becoming undocumented workers, vulnerable to many additional forms of exploitation. A huge issue is that there is a wage differential according to the worker's nationality of origin that works against them, with Bangladeshi migrant workers often ending up at the bottom of the scale. Two reasons are generally given for this: the first is that they are generally unskilled compared to migrants from other countries and the second is the Bangladesh government's failure in effectively bargaining with destination country governments. Along with general mistreatment, there are serious concerns regarding the safety of migrant workers. Most of the jobs taken up by Bangladeshi migrant workers are classified as '3D', i.e. dirty, difficult and dangerous. Apart from that, working conditions for Bangladeshi migrants are often appallingly bad. In addition to difficult working conditions, female migrant workers face additional abuse.

Given that most countries 'hosting' Bangladeshi migrant workers have not ratified international instruments of worker protection including the ICRMW, bilateral agreements or memoranda of understanding (MoU) are important instruments through which the protection of rights of migrants can be ensured. Successive Bangladeshi governments have sent high-level delegations to various labour receiving states to negotiate such agreements. However, there is a general reticence on part of labour destination countries to sign any bilateral agreement and MoU that are legally binding. Given that sending countries like Bangladesh are in the weaker position in negotiations such as these and cannot dictate terms to their liking, the minimum that the government of Bangladesh could do is develop a minimum set of standards for sending labourers on conditions under which migrant labourers have to work.

From an international perspective, good governance needs to safeguard the interests of the labour force vis-à-vis the host state and employers. If the latter are reluctant to adhere to the regulatory

framework, there need to be mechanisms from the side of both sending and receiving countries to penalise these companies. Counselling and legal services need to be provided to migrants both at home and abroad. While there is a pressing need for a plethora of institutional and governance reform processes to take place, the most urgent governance issue is the lack of implementation of already existing legislation that seeks to make the process transparent and pro-migrant workers.

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